IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

RP.No. 808 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.15138/2007 Dated 09/07/2007

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REVIEW PETITIONERS/RESPONDENTS

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1. THE KERALA STATE ELECTRICITY BOARD,
   VYDHYUTHI BHAVAN, TRIVANDRUM (SOUTH).

2. THE CHIEF ENGINEER (CIVIL CONSTRUCTION)
   SOUTH, VYDHYUTHI BHAVAN, TRIVANDRUM (SOUTH).

3. THE DEPUTY CHIEF ENGINEER,
   CIVIL CIRCLE, PALLOM, KOTTAYAM.

4. THE CHAIRMAN,
   KSEB, VYDHYUTHI BHAVAN, TRIVANDRUM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

RESPONDENTS: PETITIONER

ALSTEEL INDUSTRIALS,
JANAKAPURAM, KOLLAM.

BY ADV. SRI.GEORGE POONTHOTTAM

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 23/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

R.P. 808 OF 2007
IN W.P.C. NO. 15148 OF 2007

Dated this the 23rd day of August, 2007

O R D E R

Review Petition is filed by first respondent in the Writ Petition against the direction in the judgment to release payment to the petitioner within three weeks from the date of production of copy of judgment. It is obvious from the judgment that this Court has not considered merits of case pertaining to petitioner's claim under the contract with the Kerala State Electricity Board. By the direction issued to release the payment, this Court only meant that whatever is the amount found eligible to the petitioner should be paid within the time stated therein. Standing counsel for the Ele. Board submitted that there is irregularity in the award contract which led to vigilance enquiry. He has also stated that audit has raised objection against releasing payment. In any case this controversy on facts cannot be adjudicated by this Court in writ proceedings, more so when the matter arises under contract. In the circumstances, Review Petition is allowed

modifying the judgment with direction to the Ele. Board to hear the petitioner on his claim and pass proceedings releasing eligible payment out of the claim made by the petitioner. If any part of the claim is declined, Ele. Board should give reasons for the same. Final orders will be passed within one month from today, if petitioner files reply, and appears on the date of hearing given by the Ele. Board. The amount found payable should be paid to the petitioner immediately after orders are issued.

Issue photocopy of this order to both sides today itself.

(C.N.RAMACHANDRAN NAIR)
Judge